

Amendments to Senate Bill No. 252  
3rd Reading Copy

For the House Education Committee

Prepared by Padraic McCracken  
April 7, 2015 (5:18pm)

1. Title, page 1, line 8.

**Strike:** "ACCOUNT"

**Insert:** "AND DISTRIBUTION ACCOUNTS; PROVIDING STATUTORY  
APPROPRIATIONS;"

**Following:** "SECTIONS"

**Insert:** "17-7-502,"

**Following:** "20-9-310"

**Insert:** ", 20-9-517,"

2. Page 1, line 12.

**Insert:** "Section 1. Section 17-7-502, MCA, is amended to read:

"17-7-502. **Statutory appropriations -- definition --  
requisites for validity.** (1) A statutory appropriation is an  
appropriation made by permanent law that authorizes spending by a  
state agency without the need for a biennial legislative  
appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective,  
a statutory appropriation must comply with both of the following  
provisions:

(a) The law containing the statutory authority must be  
listed in subsection (3).

(b) The law or portion of the law making a statutory  
appropriation must specifically state that a statutory  
appropriation is made as provided in this section.

(3) The following laws are the only laws containing  
statutory appropriations: 2-15-247; 2-17-105; 5-11-120; 5-11-407;  
5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603;  
10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121;  
15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121;  
15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-112;  
17-3-212; 17-3-222; 17-3-241; 17-6-101; 18-11-112; 19-3-319;  
19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512;  
19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107;  
20-9-517; 20-9-520; 20-9-534; 20-9-622; 20-26-1503; 22-1-327;  
22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301;  
23-7-402; 30-10-1004; 37-43-204; 37-51-501; 39-1-105; 39-71-503;  
41-5-2011; 42-2-105; 44-4-1101; 44-12-206; 44-13-102; 53-1-109;  
53-1-215; 53-2-208; 53-9-113; 53-24-108; 53-24-206; 60-11-115;  
61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313;  
76-13-150; 76-13-416; 77-1-108; 77-2-362; 80-2-222; 80-4-416;  
80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504;  
85-20-1505; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-3-1003;

90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 14, Ch. 374, L. 2009, the inclusion of 53-9-113 terminates June 30, 2015; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30, 2019; pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency; pursuant to secs. 3 and 5, Ch. 244, L. 2013, the inclusion of 22-1-327 is effective July 1, 2015, and terminates July 1, 2017; and pursuant to sec. 10, Ch. 413, L. 2013, the inclusion of 2-15-247, 39-1-105, 53-1-215, and 53-2-208 terminates June 30, 2015.)"

{ Internal References to 17-7-502:

2-15-247	2-17-105	5-11-120	5-11-407
5-13-403	7-4-2502	10-1-108	10-1-1202
10-1-1303	10-2-603	10-3-203	10-3-310
10-3-312	10-3-312	10-3-314	10-4-301
15-1-121	15-1-218	15-35-108	15-35-108
15-35-108	15-35-108	15-36-332	15-36-332
15-37-117	15-39-110	15-65-121	15-70-101
15-70-369	15-70-601	16-11-509	17-1-508
17-3-106	17-3-112	17-3-212	17-3-222
17-3-241	17-6-101	17-7-501	18-11-112
19-3-319	19-6-404	19-6-410	19-9-702
19-13-604	19-17-301	19-18-512	19-19-305
19-19-506	19-20-604	19-20-607	19-21-203
20-8-107	20-9-534	20-9-622	20-26-1503
22-1-327	22-3-1004	23-4-105	23-4-105
23-5-306	23-5-409	23-5-612	23-7-301
23-7-402	23-7-402	23-7-402	30-10-1004
37-43-204	37-51-501	39-1-105	39-71-503
41-5-2011	42-2-105	44-4-1101	44-12-206
44-13-102	53-1-109	53-1-215	53-2-208

53-9-113	53-24-108	53-24-108	53-24-206
60-11-115	61-3-415	69-3-870	75-1-1101
75-5-1108	75-6-214	75-11-313	76-13-150
76-13-416	77-1-108	77-2-362	80-2-222
80-4-416	80-11-518	81-1-112	81-7-106
81-10-103	82-11-161	82-11-161	85-20-1504
85-20-1505	87-1-603	90-1-115	90-1-115
90-1-205	90-1-504	90-3-1003	90-6-331
90-9-306 }"			

**Renumber:** subsequent sections

3. Page 3, line 11.

**Following:** "counties"

**Strike:** "for deposit in the"

**Insert:** "in proportion to a county's oil and natural gas production taxes for the preceding 3 years compared to the total of all counties' oil and natural gas production taxes for the preceding 3 years. Funds distributed must be deposited in a county's"

4. Page 5, line 6.

**Following:** "counties"

**Strike:** "for deposit in the"

**Insert:** "in proportion to a county's oil and natural gas production taxes for the preceding 3 years compared to the total of all counties' oil and natural gas production taxes for the preceding 3 years. Funds distributed must be deposited in a county's"

5. Page 6, line 13.

**Insert:** "Section 3. Section 20-9-517, MCA, is amended to read:

**"20-9-517. (Temporary) State school oil and natural gas impact account.** (1) There is a state school oil and natural gas impact account in the state special revenue fund provided for in 17-2-102. The purpose of the account is to provide money to schools that are receiving oil and natural gas production taxes under 15-36-331 in an amount less than 20% of the district's maximum general fund budget but that are impacted by oil and natural gas development. The funds in this account are statutorily appropriated as provided in 17-7-502.

(2) There must be deposited in the account oil and natural gas production taxes, if any, pursuant to 20-9-310(4)(b) and any amounts pursuant to 20-9-104(6).

(3) A school district may apply to the superintendent of public instruction for funds from the account for circumstances that are directly related to impacts resulting from the development or cessation of development of oil and natural gas as follows:

(a) an unusual enrollment increase as determined pursuant to 20-9-161 and 20-9-314;

(b) an unusual enrollment decrease;

(c) higher rates of student mobility;

(d) a district's need to hire new teachers or staff as a result of increased enrollment;

(e) the opening or reopening of an elementary or high school approved by the superintendent of public instruction pursuant to 20-6-502 or 20-6-503; or

(f) major maintenance for a school or district.

(4) In reviewing an applicant's request for funding, the superintendent of public instruction shall consider the following:

(a) the local district's or school's need;

(b) the severity of the energy development impacts;

(c) availability of funds in the account; and

(d) the applicant district's ability to meet the needs identified in subsection (3).

(5) The superintendent of public instruction shall adopt rules necessary to implement the application and distribution process.

(6) The amount in the account may not exceed \$7.5 million. Any amount over \$7.5 million must be deposited in the guarantee account and distributed in the same manner as provided in 20-9-622(2). (Terminates June 30, 2016--sec. 43, Ch. 400, L. 2013.)

**20-9-517. (Effective July 1, 2016) State school oil and natural gas impact account.** (1) There is a state school oil and natural gas impact account in the state special revenue fund provided for in 17-2-102. The purpose of the account is to provide money to schools that are not receiving oil and natural gas production taxes under 15-36-331 in an amount sufficient to address oil and natural gas development impacts. The funds in this account are statutorily appropriated as provided in 17-7-502.

(2) There must be deposited in the account oil and natural gas production taxes, if any, pursuant to 20-9-310(4) and any amounts pursuant to 20-9-104(6).

(3) A school district may apply to the superintendent of public instruction for funds from the account for circumstances that are directly related to impacts resulting from the development or cessation of development of oil and natural gas as follows:

(a) an unusual enrollment increase as determined pursuant to 20-9-161 and 20-9-314;

(b) an unusual enrollment decrease;

(c) higher rates of student mobility;

(d) a district's need to hire new teachers or staff as a result of increased enrollment;

(e) the opening or reopening of an elementary or high school approved by the superintendent of public instruction pursuant to 20-6-502 or 20-6-503; or

(f) major maintenance for a school or district.

(4) In reviewing an applicant's request for funding, the superintendent of public instruction shall consider the

following:

- (a) the local district's or school's need;
- (b) the severity of the energy development impacts;
- (c) availability of funds in the account; and
- (d) the applicant district's ability to meet the needs identified in subsection (3).

(5) The superintendent of public instruction shall adopt rules necessary to implement the application and distribution process.

(6) The amount in the account may not exceed \$7.5 million. Any amount over \$7.5 million must be deposited in the guarantee account and distributed in the same manner as provided in 20-9-622(2)."

{ Internal References to 20-9-517:

20-9-310 ok      20-9-310 ok }

**Renumber:** subsequent sections

6. Page 6, line 18.

**Following:** "20-9-310(4)."

**Insert:** "The funds deposited in this account for distribution to school districts and counties under 20-9-310(4) are statutorily appropriated as provided in 17-7-502."

- END -